

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL RONCONE,

Defendant.

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**23-CR-99**

**NOTICE OF MOTION  
FOR ORDER MODIFYING  
CONDITIONS OF RELEASE**

**MOTION BY:**

Paul G. Dell, Esq.  
Attorney for Defendant, Michael Roncone

**DATE, TIME & PLACE:**

To Be Determined  
Hon. Jeremiah J. McCarthy  
United States District Court  
Western District of New York  
2 Niagara Square,  
Buffalo, New York

**SUPPORTING PAPERS:**

Affirmation of Paul G. Dell

**RELIEF REQUESTED:**

Order Modifying Conditions of Release - Setting  
a Curfew as opposed to Home Detention

**DATED:**

Buffalo, New York,  
September 12, 2024

*s/ Paul G. Dell* .

PAUL G. DELL  
Attorney for Defendant  
70 Niagara Street  
Buffalo, New York 14202  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

**23-CR-99**

v.

**AFFIRMATION**

MICHAEL RONCONE,

Defendant.

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STATE OF NEW YORK }  
COUNTY OF ERIE } ss.:  
CITY OF BUFFALO }

PAUL G. DELL, ESQ., under penalty of perjury, says that:

1. I am the attorney for the defendant, Michael Roncone, and as such I am fully familiar with the facts and circumstances described herein.
2. Michael Roncone was initially arrested on December 7, 2023. He was ordered released by the Hon. Elizabeth A. Wolford on December 21, 2023, while facing charges via a criminal complaint (23-mj-00168). \$100,000 in real property plus an additional \$100,000 in cash were posted. The numerous, strict conditions include computer/internet monitoring whereby he is not permitted to access the internet or use a cell phone. The conditions also include home detention whereby he is only able to leave his residence for work, court appearances, and to see me. These conditions of release were continued when Mr. Roncone was arraigned by Your Honor on the instant indictment on January 9, 2024.

3. Almost 10 months have since passed and, as the Court is well aware, there is no scheduling order in place and the parties are still arguing about protective orders.
4. Mr. Roncone continues to work full-time as a foreman for Four Season Construction. While he appreciates being able to work, the logistics are particularly onerous as he must provide weekly details to his probation officer as to where he will be working each day (which job site). This requires significant planning and guesswork, and prevents him from having any flexibility to move from job site to job site as needs arise.
5. Mr. Roncone respectfully requests that the Court modify his home detention to a curfew – mainly to provide more flexibility at work. He also seeks the freedom to partake in ordinary daily tasks outside of his residence. For example, he would like to be able to mow his lawn or go to the store to purchase new work boots for the winter. He asks that he be permitted to be outside of his residence from 6:00am – 9:00pm, at least on weekdays.
6. I reached out to Pre-Trial Services and the Government in late July regarding this request. Both P.O. Khalid Emerson and AUSA Nicholas Cooper responded that they would oppose this motion. I decided to let the ongoing discovery litigation play out before bringing this motion. I recently spoke with my client and told him that I would go ahead and file the motion now.
7. I am not aware of any issues with compliance in the almost 10 months since Mr. Roncone's release. I note that Mr. Roncone is NOT one of the defendants charged with witness tampering or witness retaliation.

WHEREFORE, it is respectfully requested that the Court grant the requested relief.

*s / Paul G. Dell*

PAUL G. DELL  
September 12, 2024  
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CERTIFICATE OF SERVICE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

23-CR-99

MICHAEL RONCONE,

Defendant.

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I hereby certify that on September 12, 2024, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the appropriate CM/CMF participants on this case.

s / Paul G. Dell, Esq.  
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